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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,713

11/17/2006

Lee Bahorun

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08/05/2008

BLANK ROME LLP

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EXAMINER

DUNN, DANIELLE N

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,713	Applicant(s) BAHORUN, LEE	
	Examiner Danielle Dunn	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 4/21/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

3. Applicant's amendment filed on 4/21/2006 has been entered. Claims 1-16 have been cancelled. Claims 17-37 have been added. Claims 17-37 are still pending in this application, with claims 17 and 27 being independent.

Claim Objections

4. Claims 17 and 18 are objected to because of the following informalities: The word "Indicating" should not be capitalized. Appropriate correction is required.
5. Claim 18 is objected to because of the following informalities: The claim states "the or at least one indicating". This should be "the at least one indicating". Appropriate correction is required.

6. Claims 19 and 28 are objected to because of the following informalities: The claim states “the or each indicating”. This should be “the at least one indicating” as it is presented in claims 17 and 27 respectively. Also the applicant needs to clarify if the at least one indicating device provides visual or audio indication **or** visual and audio indication. The “and/or” language must be eliminated. Appropriate correction is required.
7. Claims 20 and 29 are objected to because of the following informalities: The claim states “the, or at least one, indicating”. This should state “the at least one indicating”. Appropriate correction is required.
8. Claim 35 is objected to because of the following informalities: The word “Is” should not be capitalized. The claim states “the or one indicating”. This should be “the at least one indicating”. Line 2 of claim 35 has the letter “h” in the claim. It appears as if a word is missing. Appropriate correction is required.
9. Claim 36 is objected to because of the following informalities: The claim states “an indicating device”. This appears as if this should be “the at least one indicating device”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 17, 19-23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cawkwell (GB 2,377,172).

With respect to claim 17, 19-23 and 26, Cawkwell teaches an apparatus for retaining a fire extinguisher (support 9) having a surface not obstructed by the fire extinguisher located on the apparatus in use (portion 13) with the surface having at least one indicating device (signaling module 14) mounted on it to provide a clear indication as to the location of the apparatus (Fig. 1). Cawkwell teaches the at least one indicating device providing a visual and/or audio indication of the location of the apparatus (pg. 5, ln 18-24). Cawkwell teaches the at least one indicating device being an LED (light source 7 is a LED; pg. 4, ln 14-15). Cawkwell teaches the at least one LED providing a color that corresponds with a representative color of the material contained within the fire extinguisher (pg. 6, ln 1-4). Cawkwell, teaches the at least one LED being in a position where light is transmitted from the LED to a person in the vicinity of the extinguisher without obstruction (Fig. 1). Cawkwell teaches the at least one LED being mounted on a strip (elongate fixing device; Fig. 2; pg. 4, ln 29 - pg. 5, ln 3). Cawkwell teaches at least one indicating device being mounted on a side surface of the apparatus (Fig. 2).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 18, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cawkwell (GB 2,377,172).

With respect to claims 18 and 25, Cawkwell teaches all the limitations as disclosed above. Cawkwell does not explicitly teach the indicating device being located near or at the base of the apparatus. However, Cawkwell teaches the signaling device 8 being attached to the canister 1 by any convenient form of attachment may be employed (pg. 4, ln 29 - pg. 5, ln 3). Therefore, it would have been obvious to one skilled in the art at the time of the invention to attach the signaling module near or at the base of the canister by a strap, belt, chain, or adhesive as taught by Cawkwell.

With respect to claim 24, Cawkwell teaches all the limitations as disclosed above. Cawkwell does not explicitly teach the strip including a means to power the at least one LED. However, Cawkwell disclosed the signaling device 8 being adapted to be attached to the canister 1. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include a power source on the strip in order to provide power to the signaling device because this will allow for the battery to the signaling device to be changed without disturbing the canister.

14. Claim 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cawkwell (GB 2,377,172) and further in view of McSheffrey (US 5,775,430).

With respect to claim 27-32 and 35-37, Cawkwell teaches a fire extinguisher apparatus having a cylindrical body for storing fire-extinguishing material (canister 1) and a handle (trigger handle 5 with upper handle 4; Fig. 1). Cawkwell teaches the apparatus having at least one indicating device located around the circumference of the body (signaling device 8; Fig. 2) to provide a clear indication as to the location of the apparatus (Fig. 1). Cawkwell teaches the at least one indicating device providing a visual and/or audio indication of the location of the apparatus (pg. 5, ln 18-24). Cawkwell teaches the at least one indicating device being an LED (light source 7 is a LED; pg. 4, ln 14-15). Cawkwell teaches the at least one LED providing a color that corresponds with a representative color of the material contained within the fire extinguisher (pg. 6, ln 1-4). Cawkwell, teaches the at least one LED being in a position where light is transmitted from the LED to a person in the vicinity of the extinguisher without obstruction (Fig. 1). Cawkwell teaches the at least one LED being mounted on a strip (elongate fixing device; Fig. 2; pg. 4, ln 29 - pg. 5, ln 3). Cawkwell teaches at least one indicating device being mounted on a side surface of the apparatus (Fig. 2).

Cawkwell does not explicitly teach the fire extinguisher having a pin. Cawkwell does not explicitly teach the indicating device being located near or at the base of the apparatus. However, Cawkwell teaches the signaling device 8 being attached to the canister 1 by any convenient form of attachment may be employed (pg. 4, ln 29 - pg. 5, ln 3). However, McSheffrey teaches a fire extinguisher having a pin (pull pin 42; Fig. 1). McSheffrey teaches at least one indicating device (valve gauge 24) being mounted in the immediate vicinity of the pin and mounted on either side of the pin (Fig. 1).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to attach the signaling module near or at the base of the canister by a strap, belt, chain, or adhesive as taught by Cawkwell. It also would have been obvious to modify the fire extinguisher of Cawkwell to include the pin as taught by McSheffrey to prevent accidental discharge of the fire extinguishing chemicals.

With respect to claim 33, Cawkwell teaches all the limitations as disclosed above. Cawkwell does not explicitly teach the strip including a means to power the at least one LED. However, Cawkwell disclosed the signaling device 8 being adapted to be attached to the canister 1. Therefore, it would have been obvious to one skilled in the art at the time of the invention to include a power source on the strip in order to provide power to the signaling device because this will allow for the battery to the signaling device to be changed without disturbing the canister.

With respect to claims 34, Cawkwell teaches all the limitations as disclosed above. Cawkwell does not explicitly teach the indicating device being located near or at the base of the apparatus. However, Cawkwell teaches the signaling device 8 being attached to the canister 1 by any convenient form of attachment may be employed (pg. 4, ln 29 - pg. 5, ln 3). Therefore, it would have been obvious to one skilled in the art at the time of the invention to attach the signaling module near or at the base of the canister by a strap, belt, chain, or adhesive as taught by Cawkwell.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danielle Dunn whose telephone number is (571)270-3039. The examiner can normally be reached on Monday thru Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Negrón/
Primary Examiner
Art Unit 2885

DND
7/28/08